

REMARKS

Applicant replies to the Office Action dated May 28, 2009, within the shortened three month statutory period for reply. Claims 1-8 were pending in the application and the Examiner rejects claims 1-8. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the amendments. Reconsideration of this application is respectfully requested.

Applicant thanks the Examiner for the indication of allowable subject matter in claims 5-7.

The Examiner objects to Figures 15-21 and requests that Figures 15-21 be labeled with "Prior Art", per MPEP 608.02(g). Applicant submits Replacement Sheets, as requested by the Examiner.

The Examiner next objects to the drawings under 37 CFR 1.83(a) because the Examiner requests that Applicant show the restriction and restraining means, as set forth in claim 5. Applicant respectfully disagrees, but to expedite prosecution, Applicant amends claim 5 to further clarify the patentable subject matter. Moreover, Applicant asserts that the "restraining means" recited in claim 5 corresponds to "restraint axis 224" in the specification and the figures (e.g., Figure 2).

The Examiner next requests that Applicant remove the reference to "claim 4" in the specification. Applicant amends the specification at paragraph 0049, as requested by the Examiner.

The Examiner next asserts that certain claim limitations do not have proper antecedent basis in the specification. Applicant respectfully disagrees. Applicant asserts that "first supporting means" of claim 5 corresponds to bearing case 225 in the specification, "restriction means" is deleted from amended claim 5, "third turning axis" of claim 5 corresponds to third spindle 223 in the specification, and "restraining means" of claim 5 corresponds to restraint axis 224 in the specification.

The Examiner next objects to claim 5 for various informalities. Applicant respectfully disagrees, but to expedite prosecution, Applicant amends claim 5 to further clarify the patentable subject matter, as generally suggested by the Examiner.

The Examiner next rejects claims 5-7 under 35 USC 112 as being indefinite. In particular, the Examiner asserts that certain limitations of claim 5 are not properly identified in

the specification. As set forth above, Applicant asserts that “first supporting means” of claim 5 corresponds to bearing case 225 in the specification, “restriction means” is deleted from amended claim 5, “third turning axis” of claim 5 corresponds to third spindle 223 in the specification, and “restraining means” of claim 5 corresponds to restraint axis 224 in the specification. Regarding the interpretation of “vertical” in claim 5, the Examiner appears to interpret “vertical” as (extending) upward and downward. However, Applicant asserts that the use of “vertical” in the context of the presently claimed invention is substantially perpendicular (e.g., about 90 degrees). To clarify the patentable subject matter, and to expedite prosecution, Applicant amends claim 5 to include “substantially perpendicular.”

The Examiner rejects claims 1-2, 4 and 8 under 35 USC 102(b) as being anticipated by Insolio, US Patent No. 4,228,711 (“Insolio”). Applicant respectfully disagrees, but to expedite prosecution, Applicant amends the claims to further clarify the patentable subject matter.

In particular, Applicant amends claim 1 to include “the axial center of the second tuning axis is substantially perpendicular to a surface of the substrate.” Support for the amendment can be found at, for example, paragraph 0112 of the English specification.

Applicant asserts that axle 20 and pin 28 of Insolio, which the Examiner asserts correspond to “first turning axis” and “second turning axis” as claimed, are limited to being parallel to the surface of the substrate. As such, Insolio does not disclose or contemplate at least “the axial center of the second tuning axis is substantially perpendicular to a surface of the substrate,” as recited in independent claim 1.

Dependent claims 2, 4 and 8 variously depend from independent claim 1, so Applicant asserts that claims 2, 4 and 8 are differentiated from the cited reference for the same reasons as set forth above, in addition to their own respective features.

The Examiner rejects claims 1-4 under 35 USC 102(b) as being anticipated by Galindez, US Patent No. 4,372,471 (“Galindez”). Applicant respectfully disagrees, but to expedite prosecution, Applicant amends the claims to further clarify the patentable subject matter.

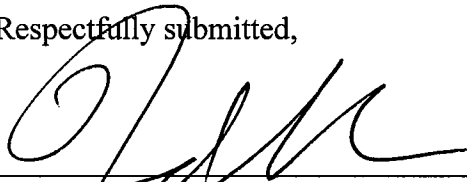
In particular, Applicant amends claim 1 to include “the scribing line forming means is configured to move on a surface of the substrate and to form the scribing line on the surface of the substrate along a movement path line of the scribing line forming means” (specifically the movement path line of the second turning axis 202). Support for the amendment can be found at, for example, paragraphs 0095 and 0136 of the English specification.

The pivot point between arm S and arm T of Galindez, which the Examiner asserts corresponds to the "second tuning axis" as claimed, is the joint of the arm which supports the cutting apparatus M. Scribing line forming mechanism 201 should correspond to the lower part mechanism which is lower than rod 110 of the cutting apparatus M of Galindez . Due to the unclear definition of the scribing line forming mechanism 201, the Examiner may have considered the scribing line forming mechanism 201 as corresponding to the entire scribe apparatus. Applicant respectfully asserts that the scribing line forming mechanism 201 does not correspond to the entire scribe apparatus. As such, Applicant asserts that Galindez does not disclose or contemplate at least "the scribing line forming means is configured to move on a surface of the substrate and to form the scribing line on the surface of the substrate along a movement path line of the scribing line forming means," as set forth in amended independent claim 1.

Dependent claims 2-4 variously depend from independent claim 1, so Applicant asserts that claims 2-4 are differentiated from the cited reference for the same reasons as set forth above, in addition to their own respective features.

In view of the above remarks and amendments, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as its invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,



Howard I. Sebelman
Reg. No. 39,038

Dated: August 27, 2009

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com